

may be made to the producer-settlement fund of the order regulating the producer milk used to produce the nonfluid milk ingredients at the difference between the Class I price applicable under the other order at the location of the plant where the nonfluid milk ingredients were processed (but not to be less than the Class III price) and the Class III price. This payment option shall apply only if a majority of the total milk received at the plant that processed the nonfluid milk ingredients is regulated under one or more Federal orders and payment may only be made to the producer-settlement fund of the order pricing a plurality of the milk used to produce the nonfluid milk ingredients. This payment option shall not apply if the source of the nonfluid ingredients used in reconstituted fluid milk products cannot be determined by the market administrator.

[37 FR 17732, Aug. 30, 1972, as amended at 42 FR 46915, Sept. 19, 1977; 58 FR 27802, May 11, 1993]

§ 1012.77 Adjustment of accounts.

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1012.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to § 1012.71, 1012.73, 1012.76, 1012.77, 1012.85, or 1012.86 shall be increased 1 percent for each month or portion thereof that such obligation is overdue, subject to the following conditions:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously computed pursuant to this section;

(b) For the purposes of this section, any obligation that was determined at a date later than prescribed by the

order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due; and

(c) All monies collected pursuant to this section shall be paid to the administrative assessment fund maintained by the market administrator.

[54 FR 6386, Feb. 10, 1989]

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1012.85 Assessment for order administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1012.43(d) and other source milk allocated to Class I pursuant to § 1012.44(a)(7) and (a)(11) and the corresponding steps of § 1012.44(b), except such other source milk that is excluded from the computations pursuant to § 1012.60(d) and (f); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1012.76(b)(2)(ii).

[37 FR 17732, Aug. 30, 1972, as amended at 41 FR 43158, Sept. 30, 1976; 58 FR 27802, May 11, 1993]

§ 1012.86 Deduction for marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 4

Pt. 1013

cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of products for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

PART 1013—MILK IN SOUTH-EASTERN FLORIDA MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.

1013.1 General provisions.

DEFINITIONS

1013.2 Southeastern Florida marketing area.

1013.3 Route disposition.

1013.4 [Reserved]

1013.5 Distributing plant.

1013.6 Supply plant.

1013.7 Pool plant.

1013.8 Nonpool plant.

1013.9 Handler.

1013.10 Producer-handler.

1013.11 [Reserved]

1013.12 Producer.

1013.13 Producer milk.

1013.14 Other source milk.

1013.15 Fluid milk product.

1013.16 Fluid cream product.

1013.17 Filled milk.

1013.18 Cooperative association.

1013.19 [Reserved]

7 CFR Ch. X (1–1–99 Edition)

1013.20 Commercial food processing establishment.

HANDLER REPORTS

1013.30 Reports of receipts and utilization.

1013.31 Payroll reports.

1013.32 Other reports.

CLASSIFICATION OF MILK

1013.40 Classes of utilization.

1013.41 Shrinkage.

1013.42 Classification of transfers and diversions.

1013.43 General classification rules.

1013.44 Classification of producer milk.

1013.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1013.50 Class prices.

1013.51 Basic formula price.

1013.52 Plant location adjustments for handlers.

1013.53 Announcement of class prices.

1013.54 Equivalent price.

UNIFORM PRICE

1013.60 Handler's value of milk for computing the uniform price.

1013.61 Computation of uniform price.

1013.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1013.70 Producer-settlement fund.

1013.71 Payments to the producer-settlement fund.

1013.72 Payments from the producer-settlement fund.

1013.73 Payments to producers and to cooperative associations.

1013.74 Butterfat differential.

1013.75 Plant location adjustments for producers and on nonpool milk.

1013.76 Payments by handler operating a partially regulated distributing plant.

1013.77 Adjustment of accounts.

1013.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1013.85 Assessment for order administration.

1013.86 Deduction for marketing services.

AUTHORITY: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

SOURCE: 37 FR 17739, Aug. 30, 1972, unless otherwise noted.